

The motion of Mr. Lackey prevailed, and the House, accordingly, at 5:40 o'clock p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

The following standing committees have today filed favorable reports on bills as follows:

Revenue and Taxation—House bills Nos. 29, 41.

Judicial Districts—House bill No. 3.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, May 22, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 18, A bill to be entitled "An Act to amend Article 7382, Chapter 2, Title 126, of the Revised Civil Statutes of the State of Texas, providing for a graduated increase of gross receipts on telephone companies, and providing for reports to be made as now provided by law and records preserved, and declaring an emergency,"

And find the same correctly engrossed
DINKLE, Chairman.

FOURTH DAY.

(Wednesday, May 23, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Carson.
Amsler.	Carter of Hays.
Arnold.	Coffee.
Atkinson.	Collins.
Avis.	Covey.
Baker of Orange.	Cowen.
Barker.	Crawford.
Barrett.	Davenport.
Beasley.	Davis.
Bell.	DeBerry.
Bonham.	Dielmann.
Bryant.	Dinkle.
Burmeister.	Dodd.
Cable.	Downs.
Carpenter	Driggers.
of Dallas.	Duffey.

Dunlap.	Pate.
Dunn.	Patman.
Durham.	Patterson.
Edwards.	Perdue.
Fields.	Pinkston.
Finlay.	Pool.
Frnka.	Pope.
Fugler.	Potter.
Gipson.	Price.
Greer.	Purl.
Hardin of Erath.	Quaid.
Hardin	Quinn.
of Kaufman.	Rice.
Harris.	Robinson.
Henderson	Rogers.
of Marion.	Russell
Henderson	of Callahan.
of McLennan.	Russell of Trinity.
Hendricks.	Sanford.
Houston.	Satterwhite.
Howeth.	Shearer.
Hughes.	Shires.
Irwin.	Simpson.
Jacks.	Smith.
Jennings.	Sparkman.
Johnson.	Stell.
Kemble.	Stevens.
Lackey.	Stewart
Laird.	of Edwards.
Lane.	Stewart
LeMaster.	of Galveston.
LeSturgeon.	Stewart of Jasper.
McBride.	Stiernberg.
McDaniel.	Storey.
McDonald.	Stroder.
McFarlane.	Teer.
McKean.	Thompson.
Martin.	Thrasher.
Mathes.	Vaughan.
Maxwell.	Wallace.
Melson.	Wells.
Merritt.	Westbrook.
Miller.	Wessels.
Montgomery.	Wilmans.
Moore.	Wilson.
Morgan	Winfree.
of Liberty.	Young.

Absent.

Baker of Milam.	Lewis.
Baldwin.	Loftin.
Bird.	Looney.
Bobbitt.	McNatt.
Carpenter	Morgan
of Matagorda.	of Robertson.
Chitwood.	Rowland.
Culp.	Stewart of Reeves.
Faubion.	Strickland.
Green.	Turner.
Harrington.	Williamson.
Hull.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	Sweet.

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Westbrook for last week, on motion of Mr. Simpson.

Mr. Fields for Thursday, Friday and Saturday of last week, on motion of Mr. Sparkman.

Mr. Sparkman for last week, on motion of Mr. Fields.

Mr. McDonald for last week, on motion of Mr. DeBerry.

Mr. Stroder for last week, on motion of Mr. Greer.

Mr. Montgomery and Mr. Houston for last week, on motion of Mr. Arnold.

MOTION TO PRINT HOUSE BILL NO. 14.

Mr. Quinn moved that House bill No. 14, reported adversely with a minority favorable report, be printed in the Journal and not otherwise printed.

Mr. Montgomery raised a point of order on consideration of the motion to print on the ground that the bill does not come within the Governor's call.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

Question—Shall the House sustain the point of order?

The Clerk was directed to call the roll and the House sustained the point of order by the following vote:

Yeas—79.

Abney.	Dielmann.
Amsler.	Dinkle.
Arnold.	Downs.
Avis.	Duffey.
Barrett.	Dunn.
Beasley.	Durham.
Bell.	Edwards.
Burmeister.	Finlay.
Cable.	Fugler.
Carpenter	Gipson.
of Dallas.	Greer.
Carpenter	Hardin of Erath.
of Matagorda.	Hardin
Carson.	of Kaufman.
Collins.	Henderson
Covey.	of Marion.
Cowen.	Hendricks.
Crawford.	Hughes.
DeBerry.	Irwin.

Jacks.	Russell
Jennings.	of Callahan.
Johnson.	Russell of Trinity.
Lackey.	Sanford.
Lane.	Satterwhite.
LeMaster.	Shearer.
McBride.	Shires.
McFarlane.	Simpson.
Mathes.	Smith.
Melson.	Stewart
Merritt.	of Edwards.
Miller.	Stewart
Montgomery.	of Galveston.
Moore.	Storey.
Patman.	Stroder.
Patterson.	Teer.
Pinkston.	Thompson.
Pool.	Thrasher.
Pope.	Vaughan.
Potter.	Wells.
Purl.	Westbrook.
Quaid.	Wessels.
Robinson.	Winfree.
Rogers.	Young.

Nays—17.

Atkinson.	LeSturgeon.
Baker of Orange.	McDaniel.
Davenport.	Martin.
Davis.	Quinn.
Dodd.	Rice.
Driggers.	Sparkman.
Fields.	Stell.
Frnka.	Stewart of Jasper.
Laird.	

Present—Not Voting.

Barker.	Kemble.
Carter of Hays.	McDonald.
Harris.	Perdue.
Henderson	Stevens.
of McLennan.	Stiernberg.
Howeth.	Wilmons.

Absent.

Baker of Milam.	Looney.
Baldwin.	McKean.
Bird.	McNatt.
Bobbitt.	Maxwell.
Bonham.	Morgan of Liberty.
Bryant.	Morgan
Chitwood.	of Robertson.
Coffee.	Pate.
Culp.	Price.
Dunlap.	Rowland.
Faubion.	Stewart of Reeves.
Green.	Strickland.
Harrington.	Turner.
Houston.	Wallace.
Hull.	Williamson.
Lewis.	Wilson.
Loftin.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	Sweet.

The Speaker then stated that he would follow the instruction of the House and sustain the point of order.

MOTION TO RECOMMIT HOUSE BILL NO. 50.

Mr. Fields moved to recommit House bill No. 50, to repeal appropriation for technological college, to the Committee on Education, the bill having been reported adversely by the Committee on Commerce and Manufactures.

Mr. Carpenter of Dallas moved to table the motion of Mr. Fields.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—51.

Amsler.	Lackey.
Arnold.	Laird.
Avis.	Lane.
Baker of Orange.	McDaniel.
Barrett.	McDonald.
Bell.	McFarlane.
Burmeister.	Martin.
Carpenter	Mathes.
of Dallas.	Merritt.
Carpenter	Miller.
of Matagorda.	Montgomery.
Carson.	Patterson.
Covey.	Pope.
Dinkle.	Potter.
Dunlap.	Purl.
Durham.	Quaid.
Edwards.	Russell
Finlay.	of Callahan.
Frnka.	Sanford.
Gipson.	Satterwhite.
Hardin of Erath.	Shearer.
Henderson	Sparkman.
of Marion.	Stevens.
Hendricks.	Stewart
Irwin.	of Edwards.
Jacks.	Storey.
Jennings.	Wilson.
Kemble.	Young.

Nays—53.

Abney.	Fugler.
Atkinson.	Greer.
Barker.	Hardin
Cable.	of Kaufman.
Carter of Hays.	Harris.
Collins.	Henderson
Davenport.	of McLennan.
Davis.	Houston.
DeBerry.	Howeth.
Dielmann.	Hughes.
Dodd.	Johnson.
Downs.	LeMaster.
Driggers.	LeStourgeon.
Duffey.	McBride.
Dunn.	McKean.
Fields.	Melson.

Moore.	Stell.
Pate.	Stewart of Jasper.
Patman.	Stiernberg.
Perdue.	Stroder.
Pinkston.	Teer.
Pool.	Thompson.
Price.	Thrasher.
Rice.	Vaughan.
Robinson.	Westbrook.
Rogers.	Wessels.
Russell of Trinity.	Wilmans.
Simpson.	

Present—Not Voting.

Mr. Speaker.	Crawford.
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Absent.

Baker of Milam.	Maxwell.
Baldwin.	Morgan
Beasley.	of Liberty.
Bird.	Morgan
Bobbitt.	of Robertson.
Bonham.	Quinn.
Bryant.	Rowland.
Chitwood.	Shires.
Coffee.	Smith.
Cowen.	Stewart
Culp.	of Galveston.
Faubion.	Stewart of Reeves.
Green.	Strickland.
Harrington.	Turner.
Hull.	Wallace.
Lewis.	Wells.
Loftin.	Williamson.
Looney.	Winfree.
McNatt.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	Sweet.

Question then recurring on the motion to recommit the bill, yeas and nays were demanded.

The motion was lost by the following vote, not receiving the necessary two-thirds vote:

Yeas—56.

Abney.	Fields.
Arnold.	Fugler.
Atkinson.	Greer.
Barker.	Hardin
Beasley.	of Kaufman.
Cable.	Harris.
Carter of Hays.	Henderson
Collins.	of McLennan.
Davenport.	Houston.
Davis.	Howeth.
DeBerry.	Hughes.
Dielmann.	Johnson.
Dodd.	Lane.
Driggers.	LeMaster.
Dunn.	LeStourgeon.

McBride.	Shearer.
McKean.	Shires.
Melson.	Simpson.
Moore.	Stell.
Pate.	Stewart of Jasper.
Patman.	Stiernberg.
Perdue.	Stroder.
Pinkston.	Teer.
Pool.	Thompson.
Price.	Vaughan.
Rice.	Wallace.
Robinson.	Westbrook.
Rogers.	Wessels.
Russell of Trinity.	Wilmons.

Nays—51.

Amsler.	Kemble.
Avis.	Lackey.
Baker of Orange.	Laird.
Barrett.	McDonald.
Bell.	McFarlane.
Bryant.	Martin.
Burmeister.	Mathes.
Carpenter	Merritt.
of Dallas.	Miller.
Carpenter	Montgomery.
of Matagorda.	Patterson.
Carson.	Potter.
Covey.	Purl.
Crawford.	Quaid.
Dinkle.	Russell
Downs.	of Callahan.
Duffey.	Sanford.
Durham.	Satterwhite.
Finlay.	Sparkman.
Frnka.	Stevens.
Gipson.	Stewart
Hardin of Erath.	of Edwards.
Henderson	Storey.
of Marion.	Thrasher.
Hendricks.	Wells.
Irwin.	Wilson.
Jacks.	Young.
Jennings.	

Absent.

Baker of Milam.	McDaniel.
Baldwin.	McNatt.
Bird.	Maxwell.
Bobbitt.	Morgan
Bonham.	of Liberty.
Chitwood.	Morgan
Coffee.	of Robertson.
Cowen.	Pope.
Culp.	Quinn.
Dunlap.	Rowland.
Edwards.	Smith.
Faubion.	Stewart
Green.	of Galveston.
Harrington.	Stewart of Reeves.
Hull.	Strickland.
Lewis.	Turner.
Loftin.	Williamson.
Looney.	Winfree.

Absent—Excused.

Blount.	Carter of Coke.
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Jones.	Merriman.
Lamb.	Sackett.
Lusk.	Sweet.

Mr. Burmeister moved to reconsider the vote by which the motion to recommit was lost, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—50.

Amsler.	Laird.
Arnold.	Lane.
Avis.	McDaniel.
Baker of Orange.	McDonald.
Bell.	McFarlane.
Bryant.	Mathes.
Burmeister.	Merritt.
Carpenter	Miller.
of Dallas.	Montgomery.
Carpenter	Moore.
of Matagorda.	Patterson.
Carson.	Pope.
Covey.	Potter.
Dinkle.	Quaid.
Duffey.	Russell
Durham.	of Callahan.
Finlay.	Satterwhite.
Frnka.	Shearer.
Hardin of Erath.	Sparkman.
Henderson	Stevens.
of Marion.	Stewart
Hendricks.	of Edwards.
Irwin.	Stewart
Jacks.	of Galveston.
Jennings.	Thrasher.
Johnson.	Wells.
Kemble.	Wilson.
Lackey.	Young.

Nays—55.

Abney.	Harris.
Barker.	Henderson
Barrett.	of McLennan.
Beasley.	Houston.
Cable.	Howeth.
Carter of Hays.	Hughes.
Collins.	LeMaster.
Crawford.	LeStourgeon.
Davenport.	McKean.
Davis.	Martin.
DeBerry.	Melson.
Dielmann.	Pate.
Dodd.	Patman.
Downs.	Perdue.
Driggers.	Pinkston.
Dunn.	Pool.
Fields.	Price.
Fugler.	Purl.
Greer.	Rice.
Hardin	Robinson.
of Kaufman.	Rogers.

Russell of Trinity.	Stroder.
Sanford.	Teer.
Shires.	Thompson.
Simpson.	Vaughan.
Stell.	Westbrook.
Stewart of Jasper.	Wessels.
Stiernberg.	Wilmans.
Storey.	

Absent.

Atkinson.	Loftin.
Baker of Milam.	Looney.
Baldwin.	McBride.
Bird.	McNatt.
Bobbitt.	Maxwell.
Bonham.	Morgan
Chitwood.	of Liberty.
Coffee.	Morgan
Cowen.	of Robertson.
Culp.	Quinn.
Dunlap.	Rowland.
Edwards.	Smith.
Faubion.	Stewart of Reeves.
Gipson.	Strickland.
Green.	Turner.
Harrington.	Wallace.
Hull.	Williamson.
Lewis.	Winfree.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	Sweet.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

By Mr. Turner:

H. B. No. 57, A bill to be entitled "An Act extending for a period of five (5) years from the passage of this act all permits to prospect for oil and gas heretofore issued on State submerged lands, islands, bays, marshes, river bed channels and lakes, and providing that all permits hereafter issued shall be for a period of five (5) years; and providing that such permits shall be extended on the condition that the owner shall pay to the State annually in advance **during the life of the permit** the required sum or sums of money now provided by law, and that the owner of the permit shall drill, at the discretion of the Commissioner of the General Land Office, such offset well or wells as may be necessary to protect the State's interest in the area included in the permit."

Referred to Committee on Revenue and Taxation.

By Mr. Burmeister:

H. B. No. 58, A bill to be entitled "An Act levying an occupation tax on persons, firms, corporations, associations, partnerships and persons operating under declarations of trust, engaged in the occupation of manufacturing, buying or selling goods, wares or merchandise, or following any profession where the person following same maintains an office in this State and receives compensation for personal services; providing that said tax shall be placed in the State Treasury, and to be collected through the county tax collectors; enacting the necessary provisions for carrying out the purposes of this act; providing for suits for such taxes, penalties and interest; prescribing penalties for pursuing occupation without paying such tax; exempting those engaged in such occupation who, under present laws, already pay an occupation tax on such occupation or business; exempting those engaged in mechanical or agricultural pursuits, and exempting occupations which, under the Constitution, the Legislature can not tax; exempting any occupation carried on in interstate commerce, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Bryant, Mr. Quinn, Mr. Howeth and Mr. McBride:

H. B. No. 59, A bill to be entitled "An Act to repeal Senate bill No. 281, enacted by the Regular Session of the Thirty-eighth Legislature, it being 'An Act releasing the inhabitants of and property in Hidalgo county for a period of twenty-five years from the payment of taxes levied for State purposes, because of great public calamities in said county, as provided in Section 10 of Article 8 of the State Constitution; and provided that said county shall vote bonds of said county to prevent the recurrence of such calamities, and in case of the failure of the county to vote such bonds by or before October 1, 1924, said act shall become null and void, and said taxes collected in the usual manner and paid into the State Treasury, and providing an emergency,' and declaring an emergency."

Referred to Committee on Revenue and Taxation.

**RELATING TO COLLECTING CERTAIN
LOANS MADE BY THE
STATE.**

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 4, Relating to collecting certain loans made by the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

Question then recurring on the resolution, it was adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 22, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that Senators Wood, Davis, Darwin, Clark and Ridgeway have been appointed to serve on the committee provided for in S. C. R. No. 3.

Respectfully,

RICHARD BLALOCK,
Assistant Secretary of the Senate.

HOUSE BILL NO. 30 ON ENGROSSMENT.

The Speaker laid before the House, as a special order for this hour, on its passage to engrossment,

H. B. No. 30, A bill to be entitled "An Act providing for the levying and collection of income taxes, upon individuals, firms, corporations, joint stock companies and associations residing or doing business within the State of Texas, and upon non-residents having income from property located in or business transacted within the State of Texas; fixing the rates of tax to be levied and collected from such income; providing for exemptions of amounts or parts of income, such exemptions to be excepted from said tax; providing the manner of making tax reports to the Comptroller of Texas and returns by individuals, companies and associations; providing penalties for failure to make returns and for the failure to pay said income tax; providing that persons, firms, corporations, companies or associations subject to the provisions of this act, having paid any State ad valorem taxes accruing during any current year for which income taxes are assessed may receive credit upon their income tax assessed during said year for the amount of such ad valorem taxes paid; providing for the disposition of

the revenue arising under the provisions of this act; designating what shall constitute income under the provisions of this act, and allowing certain reductions from gross income for the purpose of calculating net income; providing for the appointment of supervisors and assistants required for the proper administration of the provisions hereof; making an appropriation for the purpose of carrying into effect the provisions of this act, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Jennings moved that further consideration of the bill be postponed indefinitely.

Mr. Pope moved the previous question on the pending motion to postpone, and the motion was duly seconded.

Question recurring on the motion for the previous question, yeas and nays were demanded.

The motion for the previous question was lost by the following vote:

Yeas—56.

Abney.	McDaniel.
Amsler.	McKean.
Arnold.	Martin.
Atkinson.	Merritt.
Avis.	Miller.
Baker of Orange.	Montgomery.
Barker.	Patterson.
Burmeister.	Pool.
Carpenter	Pope.
of Dallas.	Potter.
Carson.	Purl.
Collins.	Quaid.
Covey.	Quinn.
Davenport.	Rogers.
Davis.	Russell
Driggers.	of Callahan.
Dunlap.	Shires.
Finlay.	Sparkman.
Gipson.	Stewart
Green.	of Galveston.
Henderson	Storey.
of Marion.	Stroder.
Houston.	Teer.
Hughes.	Turner.
Irwin.	Wallace.
Jacks.	Westbrook.
Jennings.	Wessels.
Johnson.	Wilson.
Kemble.	Winfree.
Lackey.	Young.

Nays—56.

Barrett.	Bell.
Beasley.	Bryant.

Cable.	McBride.
Carpenter	McDonald.
of Matagorda.	McFarlane.
Carter of Hays.	Mathes.
Crawford.	Maxwell.
DeBerry.	Melson.
Dielmann.	Moore.
Dinkle.	Pate.
Dodd.	Patman.
Duffey.	Perdue.
Dunn.	Price.
Durham.	Rice.
Edwards.	Robinson.
Fields.	Russell of Trinity.
Frnka.	Sanford.
Fugler.	Satterwhite.
Greer.	Shearer.
Hardin of Erath.	Simpson.
Hardin	Stell.
of Kaufman.	Stevens.
Harris.	Stewart
Henderson	of Edwards.
of McLennan.	Stewart of Jasper.
Hendricks.	Stiernberg.
Howeth.	Thompson.
Laird.	Thrasher.
Lane.	Vaughan.
LeMaster.	Wells.
LeStourgeon.	Wilmons.

Absent.

Baker of Milam.	Loftin.
Baldwin.	Looney.
Bird.	McNatt.
Bobbitt.	Morgan
Bonham.	of Liberty.
Chitwood.	Morgan
Coffee.	of Robertson.
Cowen.	Pinkston.
Culp.	Rowland.
Downs.	Smith.
Faubion.	Stewart of Reeves.
Harrington.	Strickland.
Hull.	Williamson.
Lewis.	

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	Sweet.

Mr. Lackey offered the following (committee) amendment to the bill:

Amend Section 14 by adding at the end of subdivision (a) under said section the following:

"Provided that individuals, firms, co-partnerships and corporations, joint stock companies and associations, whose fiscal year ends on some other date than December 31st of each year make reports to conform to their fiscal year. Such reports must be filed with the State Comptroller within sixty days following the close of such fiscal year and the taxes

due thereon shall be due and payable within ninety days following the close of such fiscal year, and provided further that failure to make such report at the close of such fiscal years and to pay the tax thereon within the time herein specified such failure shall be subject to the same fines and penalties as provided for in this act on those making reports and paying the tax thereon the basis of their calendar year."

Question—Shall the (committee) amendment be adopted?

RECESS.

On motion of Mr. Moore, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

HOUSE BILL NO. 30 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 30, providing for an income tax, on its passage to engrossment, with (committee) amendment by Mr. Lackey and motion by Mr. Jennings to postpone further consideration of the bill indefinitely pending.

Mr. Lackey withdrew the pending (committee) amendment.

(Pending consideration of the bill Mr. Shires occupied the chair temporarily.)

(Speaker in the chair.)

Mr. Burmeister moved a call of the House for the purpose of maintaining a quorum pending consideration of the motion to postpone indefinitely, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Burmeister, the Sergeant-at-Arms was instructed to bring in all absentees within the Capitol building.

The roll was called and the Speaker announced that there was a quorum present.

Mr. Satterwhite moved the previous

question on the motion to postpone indefinitely, and the main question was ordered.

Question recurring on the motion to postpone indefinitely, yeas and nays were demanded.

The motion to postpone indefinitely prevailed by the following vote:

Yeas—64.

Abney.	Lackey.
Amsler.	LeMaster.
Arnold.	McDaniel.
Atkinson.	McKean.
Avis.	Martin.
Barker.	Melson.
Burmeister.	Merritt.
Carpenter	Miller.
of Dallas.	Montgomery.
Carson.	Moore.
Collins.	Patterson.
Covey.	Pool.
Cowen.	Pope.
Davenport.	Potter.
Duffey.	Purl.
Faubion.	Quaid.
Fields.	Rogers.
Finlay.	Russell
Fugler.	of Callahan.
Gipson.	Satterwhite.
Green.	Shires.
Hardin	Smith.
of Kaufman.	Sparkman.
Harris.	Stewart
Henderson	of Galveston.
of Marion.	Stiernberg.
Henderson	Storey.
of McLennan.	Teer.
Houston.	Turner.
Hughes.	Wallace.
Irwin.	Westbrook.
Jacks.	Wessels.
Jennings.	Wilson.
Johnson.	Winfree.
Kemble.	Young.

Nays—50.

Baker of Orange.	Dunn.
Barrett.	Durham.
Beasley.	Edwards.
Bell.	Frnka.
Bonham.	Greer.
Bryant.	Hardin of Erath.
Cable.	Hendricks.
Carpenter	Howeth.
of Matagorda.	Laird.
Coffee.	Lane.
Davis.	LeSturgeon.
DeBerry.	McBride.
Dielmann.	McDonald.
Dinkle.	McFarlane.
Dodd.	Mathes.
Downs.	Maxwell.
Driggers.	Pate.
Dunlap.	Patman.

4-3c

Perdue.
Pinkston.
Quinn.
Rice.
Robinson.
Sanford.
Simpson.
Stell.

Stewart
of Edwards.
Stewart of Jasper.
Stroder.
Thompson.
Thrasher.
Wells.
Wilmans.

Present—Not Voting.

Stevens.

Absent.

Baldwin.	Morgan
Bird.	of Liberty.
Bobbitt.	Morgan
Carter of Hays.	of Robertson.
Chitwood.	Price.
Culp.	Rowland.
Harrington.	Russell of Trinity.
Hull.	Stewart of Reeves.
Lewis.	Strickland.
Loftin.	Vaughan.
Looney.	Williamson.
McNatt.	

Absent—Excused.

Blount.	Merriman.
Carter of Coke.	Sackett.
Lamb.	Sweet.
Lusk.	

Paired.

Mr. Crawford (present), who would vote "nay," with Mr. Baker of Milam (absent), who would vote "yea."

Mr. Shearer (present), who would vote "yea," with Mr. Jones (absent), who would vote "nay."

Mr. Abney moved to reconsider the vote by which the bill was postponed indefinitely and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—57.

Abney.	Finlay.
Amsler.	Fugler.
Arnold.	Gipson.
Atkinson.	Green.
Avis.	Harris.
Barker.	Henderson
Burmeister.	of Marion.
Carpenter	Henderson
of Dallas.	of McLennan.
Carson.	Houston.
Collins.	Hughes.
Covey.	Irwin.
Cowen.	Jacks.
Davenport.	Jennings.
DeBerry.	Johnson.
Duffey.	Kemble.

Lackey.	Rogers.
LeMaster.	Russell
McDaniel.	of Callahan.
Martin.	Satterwhite.
Melson.	Shires.
Merritt.	Smith.
Miller.	Stewart
Montgomery.	of Galveston.
Moore.	Storey.
Patterson.	Turner.
Pool.	Wallace.
Pope.	Wessels.
Potter.	Wilson.
Purl.	Winfree.
Quaid.	Young.

Nays—54.

Baker of Orange.	McBride.
Barrett.	McDonald.
Beasley.	McFarlane.
Bell.	Mathes.
Bonham.	Maxwell.
Bryant.	Pate.
Cable.	Patman.
Carpenter	Perdue.
of Matagorda.	Pinkston.
Coffee.	Quinn.
Davis.	Rice.
Dielmann.	Robinson.
Dinkle.	Rowland.
Dodd.	Sanford.
Downs.	Simpson.
Driggers.	Sparkman.
Dunlap.	Stell.
Dunn.	Stevens.
Durham.	Stewart
Edwards.	of Edwards.
Fields.	Stewart of Jasper.
Frnka.	Stiernberg.
Greer.	Stroder.
Hardin of Erath.	Teer.
Hendricks.	Thompson.
Howeth.	Thrasher.
Laird.	Wells.
Lane.	Westbrook.
LeStourgeon.	Wilmons.

Present—Not Voting.

Shearer.

Absent.

Baker of Milam.	Loftin.
Baldwin.	Looney.
Bird.	McKean.
Bobbitt.	McNatt.
Carter of Hays.	Morgan
Chitwood.	of Liberty.
Crawford.	Morgan
Culp.	of Robertson.
Faubion.	Price.
Hardin	Russell of Trinity.
of Kaufman.	Stewart of Reeves.
Harrington.	Strickland.
Hull.	Vaughan.
Lewis.	Williamson.

Absent—Excused.

Blount.	Lusk.
Carter of Coke.	Merriman.
Jones.	Sackett.
Lamb.	Sweet.

RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 3, Relating to Comptroller's report on gasoline tax.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 22, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 3, Requesting the Interstate Commerce Commission to allow the merger and consolidation of the St. Louis & San Francisco Railway Company and the International-Great Northern Railroad Company.

The Senate has passed

S. C. R. No. 6, Instructing Comptroller to collect only one tax upon gasoline consumed in State.

Respectfully,

RICHARD BLALOCK,
Assistant Secretary of the Senate.

RESIGNATION OF STENOGRAPHER.

The following resignation was ordered printed in the Journal:

Austin, Texas, May 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Dear Sir: I herewith hand you my resignation, to take effect at noon May 23, as I have a better position, to which I must go at that time.

Thanking you for past favors and trusting this will not inconvenience you to any great extent, I am,

Yours respectfully,

RUBIE GILLESPIE.

ADJOURNMENT.

On motion of Mr. Quaid, the House, at 6:45 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees have filed favorable reports on bills as follows:

Revenue and Taxation—House bills Nos. 43, 1, 40, 10 and 56.

Game and Fisheries—House bill No. 33.

The following standing committees have filed unfavorable reports on bills as follows:

Commerce and Manufactures—House bill No. 50.

Revenue and Taxation—House bills Nos. 14 and 55.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, May 23, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 9, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on the mining or production of sulphur by any method, system or manner, within this State; requiring reports to be made and records to be kept by those engaged in the business, and providing for the inspection thereof by certain public officials, their employees or representatives; prescribing penalties for the failure to comply with provisions of this act; providing for the payment of interest, penalties and costs by certain officials; fixing the venue therefor and the compensation of officials for said services; repealing House bill No. 328 passed at the Regular Session of the Thirty-eighth Legislature, levying an occupation tax on the production of sulphur, and declaring an emergency,"

And find the same correctly engrossed.
DINKLE, Chairman.

FIFTH DAY.

(Thursday, May 24, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Lane.
Amsler.	LeMaster.
Arnold.	LeSturgeon.
Avis.	McBride.
Baker of Milam.	McDaniel.
Baker of Orange.	McDonald.
Barker.	McFarlane.
Barrett.	McKean.
Beasley.	Martin.
Bell.	Mathes.
Bird.	Maxwell.
Bonham.	Melson.
Bryant.	Merritt.
Burmeister.	Miller.
Cable.	Montgomery.
Carpenter	Moore.
of Dallas.	Morgan
Carpenter	of Liberty.
of Matagorda.	Morgan
Carson.	of Robertson.
Carter of Hays.	Pate.
Chitwood.	Patman.
Coffee.	Patterson.
Collins.	Perdue.
Covey.	Pinkston.
Cowen.	Pope.
Crawford.	Potter.
Culp.	Quaid.
Davenport.	Quinn.
Davis.	Rice.
DeBerry.	Robinson.
Dielmann.	Rogers.
Dinkle.	Russell
Dodd.	of Callahan.
Downs.	Russell of Trinity.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunlap.	Shearer.
Dunn.	Shires.
Durham.	Simpson.
Edwards.	Smith.
Faubion.	Sparkman.
Fields.	Stell.
Finlay.	Stevens.
Frnka.	Stewart
Fugler.	of Edwards.
Gipson.	Stewart
Greer.	of Galveston.
Hardin of Erath.	Stewart of Jasper.
Hardin	Stiernberg.
of Kaufman.	Storey.
Harris.	Strickland.
Henderson	Stroder.
of Marion.	Teer.
Henderson	Thompson.
of McLennan.	Thrasher.
Hendricks.	Turner.
Houston.	Vaughan.
Howeth.	Wallace.
Irwin.	Wells.
Jacks.	Westbrook.
Jennings.	Wessels.
Johnson.	Wilmans.
Kemble.	Wilson.
Lackey.	Winfree.
Laird.	Young.